

LOUIS RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
STEVE GILLETT
Councilperson At Large B
DANNY EARP
Councilperson District 1
CHUCK ENGELKEN
Councilperson District 2



BILL BENTLEY
Councilperson District 3
Mayor Pro-Tem
THOMAS GARZA
Councilperson District 4
JAY MARTIN
Councilperson District 5
NANCY OJEDA
Councilperson District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 23, 2020

The City Council of the City of La Porte met in a regular meeting on Monday, March 23, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilpersons present: Louis Rigby, Brandon Lunsford, Steve Gillett, Thomas Garza, Jay Martin

Councilpersons attending remotely: Danny Earp, Chuck Engelken, Bill Bentley, Nancy Ojeda

Councilpersons absent: None

Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:06 p.m.
2. **INVOCATION AND PLEDGES** – The invocation was given remotely by Minister Alicia Green, Pleasant Hill Church of Deliverance, and the pledges of allegiance to the U.S. and Texas flags were led by Councilperson Danny Earp.
3. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

David Janda spoke in concern of a November election date and offered suggestions to mitigate public health concerns. Chuck Rosa said La Porte was experiencing communism, in opposition to moving the May election date.

Mayor Rigby reminded the Council that the adopted parliamentary authority was *Robert's Rules of Order*, which provides for each member to be recognized twice for no more than ten minutes each time, on each question.

4. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.*)
 - a. **Approve the minutes of the regular session held on March 9, 2020. [Mayor Rigby]**
 - b. **Approve the continuance of utilizing Gall's for the purchase of La Porte Police Department uniform items under Buy Board Contract #587-19. [Steve Deardorff, Chief of Police]**

Councilperson Engelken moved to approve the consent agenda; the motion was adopted, 9-0.

5. **PUBLIC HEARINGS**
 - a. **The City Council will hold a public hearing to receive comments regarding adoption of Ordinance 2020-3785, extending the Juvenile Curfew Ordinance as written for an additional three- (3-) year term. [Steve Deardorff, Chief of Police]**

Mayor Rigby opened the public hearing at 6:22 p.m. Police Chief Steve Deardorff gave a brief presentation. Kyle Roebuck spoke in support of the ordinance and supported sending it to local businesses. Mayor Rigby closed the public hearing at 6:44 p.m. The item was not posted for action and will come back at a future meeting.

6. **STATUTORY AGENDA**
 - a. **Presentation, discussion, and possible action to award RFP #20503 for Delinquent Ad Valorem Tax Collection Services. [Michael Dolby, Finance Director]**

Councilperson Earp moved to cancel this RFP and go out again without including information from other cities; the motion was adopted, 6-3, Councilpersons Gillett and Martin and Mayor Rigby voting against.

b. Presentation, discussion, and possible action on the 2020 annual evaluation process for City Council appointed employees of the City of La Porte. [Mayor Rigby]

Councilperson Garza moved to suspend the rules and take up 6b after item 7a; the motion was adopted, 9-0.

Councilperson Garza moved to direct the Human Resource Manager to revise the process for the 2020 evaluations for the City Manager, City Secretary, and Municipal Judge to hold the evaluations before the May 2 election and annually thereafter [later clarifying that the employees' anniversary dates would not change]. Councilperson Gillett moved to amend the motion so that outgoing Councilpersons would provide evaluations and the employees' review and anniversary dates would not be changed. The amendment was adopted, 9-0. The main motion, as amended, was adopted, 9-0.

c. Presentation, discussion, and possible action to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting an item 6.06 (F) relating to the limits of debate. [Mayor Rigby]

Councilperson Garza moved to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting new language as 6.06 (F) to eliminate the general limits of debate; the motion was not seconded. Councilmember Garza moved to adopt Ordinance 2020-3786 amending the City Council Rules of Procedure by inserting new language as 6.06 (F) to allow a total of twenty minutes per member per question. The motion did not receive a second and was not considered.

7. ELECTION MATTERS

a. Presentation, discussion, and possible action to postpone the May 2, 2020, General Election to November 3, 2020, as per the provisions to Governor Abbott's March 18, 2020, proclamation and the direction of the Texas Secretary of State. [Mayor Rigby]

Councilperson Garza moved that the City Council direct staff to keep the May uniform election date and consolidate election precincts to City Hall, and have the staff bring forward for consideration an ordinance to amend the order of election. Councilperson Ojeda moved to amend by striking to keep the May uniform election date and consolidate election precincts to City Hall and insert Option 5 [to move to November and contract with Harris County, while keeping open the option of other election dates, if offered and palatable].

Councilperson Garza appealed from the decision of the chair that the amendment was germane; the decision was sustained, 5-4, Councilpersons Garza, Gillett, Lunsford, and Bentley voting against. The amendment did not receive a second and was not considered. The main motion was adopted, 7-2, Councilpersons Gillett and Ojeda voting against. Without objection, the Council agreed to meet for a special session on March 30 to amend the order of election.

8. ADMINISTRATIVE REPORTS

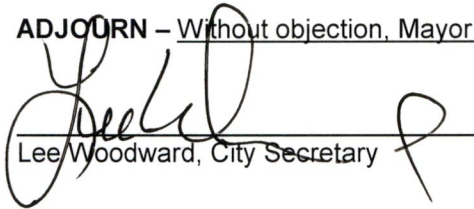
- Zoning Board of Adjustment meeting, March 27
- Drainage and Flooding Committee meeting, April 13
- City Council meeting, April 13
- City Council meeting, April 27

Mr. Alexander thanked the IT Department for their diligence in providing the remote access options. He proposed that the budget retreat be rescheduled for May 9. Mr. Alexander noted the staff was keeping abreast of the COVID-19 recommendations and that staffing changes may be enacted.

9. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

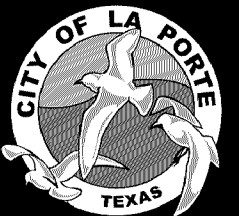
Councilpersons thanked the members and City staff for the remote meeting participation and social distancing precautions; encouraged adherence to the hygiene recommendations; asked that updates to the City website and social media platforms continue to be kept current; wished good health to all; thanked the Mayor and City leadership for their work during these trying times; noted that it's respectful to maintain efficient meeting practices; urged candidates to work in the confines of the current conditions; felt it was responsible to push back the budget retreat; asked the Council to consider including the successful candidates from the election in the budget retreat; expressed concern for the employees and citizens; urged all to use good judgement in preparing for COVID-19; asked for reconsideration of the number of times members were able to speak on an item; noted the meeting was somewhat unprecedented; confirmed that the disaster declaration would be on the special meeting agenda for March 30; recognized how the community was turning out to support local restaurants and businesses; announced the Harris County Judge would be providing an additional order in the morning; the Mayor let the public know the ways in which he has been in touch throughout the current disaster and offered words of optimism and resilience.

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 9:25 p.m.


Lee Woodward, City Secretary

2020 General Election COVID-19 Considerations

March 23, 2020



There is a lot of material to cover tonight. The decisions are the Council's. The CSO is ready to move forward with any direction of the Council.

We expected the Governor to offer...

- Reduced early voting period
- Increased mail balloting options
- Other

Instead,...

...the Governor offered the opportunity (not the requirement) to move to the Nov. 3, 2020, uniform election date.

Instead,...

...the Governor also required counties to offer to contract for Nov. 3 with entities that request it.

(Counties without an appointed elections administrator (EAs in EC Ch. 31 & 41), like Harris County (EC Sec. 12.001), are only required to offer to contract in May of odd-numbered years.)

Why the November option only?

The Gov. and the Sec. of State (SoS) are also juggling primary runoff elections; the ability of other entities (cities & ISDs) to have runoffs; pressure from political parties regarding their district, state, & national conventions; and the Nov. election date itself.

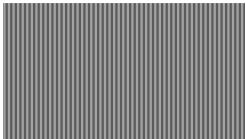
As of Friday, March 20, the Sec. of State's (SoS) staff and the City's election equipment providers (which also provides programming and tabulation services) were recommending cities like La Porte move to Nov. and contract with Harris County.

Holding a Nov. 2020 election or contracting with Harris County due to COVID-19 would not change the City's normal election schedule for future years. Only continuing pandemic conditions or other state-mandated action would do so.

May 2 election date considerations

- Most of the City's election workers are in COVID-19 prime risk groups due to age.
- The election workers may choose not to work out of fear.
- Voter turnout may also be affected by COVID-19 concerns.
- There may be a poor public response to the May date.
- Candidates cannot conduct traditional campaign activities.
- It is already difficult to order sanitation supplies needed for polling locations.
- There may be a heavier demand for curbside voting coupled with a reduction in workers, causing voting delays.

May - maybe 700 in-person voters?

	May '20	May '19	Dec. '18	May '18	May '17	May '16
BBM applications	855 +	26	909	583	16	167
Total votes cast in election		1074	1603	1397	1049	411

(Votes cast calculations from an at-large race in each election.
General election cancelled in 2016, no opposed races; only Fire ESD on City ballot.)

May 2 contract with LPISD (EC Chs. 31, 123, & 271)

- LPISD will consider election dates at its meeting tomorrow night.
- LPISD may have the option for either date (per Educ. Code Sec. 11.0581, CSO believes LPISD met its obligation to hold a joint election, similarly to the situation when one party is able to cancel, but LPISD must consult their legal counsel; the CSO cannot and does not provide legal advice or interpret state statute).

Who can authorize mass mail balloting?

- It appears that only the Legislature can authorize extending mail balloting to voter situations not already provided for in the Election Code. It is not a City decision.
- Current provisions are for:
 - age,
 - being out of the political subdivision during early voting and on election day,
 - jail,
 - disability,
 - military service/temporary residence outside the U.S.

Nov. 3 election date considerations

- Will it be flu/COVID-19 season again?
- Runoff elections will potentially have early voting begin around Thanksgiving, with an election day in early Dec.
- A lot of attention focused on federal and state partisan races.
- Risk of voter fatigue due to longer ballot.
- Are holdover Council members willing to serve?
- Ability to contract with Harris County, providing countywide voting to any LP voter; high number of polling locations; possibly longer early voting hours.

Calendar regarding May 2

MARCH 2020

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APRIL 2020

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What are other area cities doing?

Already use November uniform election date:

- Baytown
- League City (contracts with Harris & Galveston Counties)

What are other area cities doing?

Cancelled election, no opposed races nor any ballot measures:

- Shoreacres
- Morgan's Point
- Angleton

What are other area cities doing?

Trying to keep May date, as of this weekend:

- Pearland, which contracts with Brazoria County, but is going to discuss tonight.
- Kemah's City Council has not officially discussed/made a decision.

What are other area cities doing?

Moving to Nov. 3 for 2020 only:

- Friendswood (normally contracts with Galveston County, which declined to provide May-even-numbered year agreement this year; Friendswood also contracts with Harris County for the part of their city in Harris)
- Seabrook taking proposal to their Council tomorrow
- Nassau Bay, Clear Lake Shores
- Deer Park has scheduled item to move for their April 7 meeting (concerned about not being able to have public forums to discuss the measure they have on the ballot).

Of interest...

- On Friday, the City of Denton City Council met. They have been in contact with TML to urge the Governor to consider other dates. They “adopted an ordinance to postpone both our General and Special Elections for City Council seats to November 3rd, but first the City is to submit a request to Governor Abbott to consider establishing an election before November 3rd...”, possibly August 8.
- TML has a list of further statutory considerations, including this, that they are communicating with the Governor’s office on.

The CSO has five
options for your
consideration.

OPTION 1

Make no changes and continue working on the May 2 election as set.

No additional action required unless/until other options or requirements are issued by the Governor/Texas Legislature/President.

OPTION 2

Keep May 2 date and consolidate May election early voting and election day polling locations to a single polling place at City Hall to address possible reduction in election workers willing to work and the potential demand for curbside voting.

Need to hold a special session on or before March 30 to amend the order of election to reflect this change.

OPTION 3

Move to the November 3 election date and contract with Harris County.

Need to hold a special session on or before March 30 to amend the order of election to reflect this change. At that time or up until August, there are some additional provisions that need to be addressed in the order/ordinance.

OPTION 4

Move to the November 3 election date and do not contract with Harris County.

Need to hold a special session on or before March 30 to amend the order of election to reflect this change. At that time or up until August, there are some additional provisions that need to be addressed in the order/ordinance.

OPTION 4

This is basically not a viable option. Harris County provides countywide voting, with a possible 100-150+ polling locations. The City, if Harris County would agree to it (not likely, due to programming issues), could hold early voting at City Hall, **but**, on election day, the City would have to provide a judge, two clerks, and at least one piece of accessible (hearing/vision/wheelchair) voting equipment in each and every Harris County polling location.

OPTION 5

Adopt something like the City of Denton did, to move to the Nov. 3 date and contract with Harris County, unless a more palatable date or other provisions preferred by the City Council become available.

Need to hold a special session on or before March 30 to amend the order of election to reflect this change. At that time or up until August, there are some additional provisions that need to be addressed in the order/ordinance.